



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,064	08/02/1999	JASON ROBERT MALAURE	GIL4-BH60	2626

7590 01/16/2004

ALBIN H. GESS, Esq.
SNELL & WILMER LLP
1920 MAIN STREET
SUITE 1200
IRVINE, CA 92614-7230

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 01/16/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/366,064

Applicant(s)

MALAURE ET AL.

Examiner

Son P Huynh

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended:

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-9, 11-22.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


ANDREW FAILLE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues the combination is improper.

In claim 1, Applicant argues the claim is directed to a method of delivering an interactive application; the method includes the step of providing a set of application components, such as executable program file, bit maps, sound samples, real time data instructions, and video chips (as claimed in claim 11). These applications components enable a remote participant in the interactive application to interact locally so that potentially each individual viewer will see different on screen information. Agraharam teaches a system wherein information is presented to all users at the same time..... Applicant then concludes Agraharam is not suitable for broadcasting sets of application components of an interactive application. Therefore, it cannot be relied on to modify Travaille to do so.

In response, it is noted that claim 1 just cites "a set of application components" which read on "components of an interactive application or module sources" in Goodman reference as analyzed in the Office Action. Furthermore, Travaille teaches a method of delivery an interactive application as analyzed in the rejection of claim 1. However, Travaille does not specifically disclose each broadcast network operating a respectively different broadcast protocols and the interactive application comprises components. Agraharam teaches each broadcast network operating respectively different broadcast protocols, and Goodman teaches and the interactive application comprises components as analyzed in the rejection of claim 1. Therefore, it would have been obvious to modify Travaille to use the teaching as taught by Agraharam and further as taught by Goodman in order to provide improved performance.

In claim 2, Applicant argues there is no evidence that the actual chat data is broadcast to the client terminals.

In response, Agraharam discloses the session conductor prepares a multimedia broadcast by using the multimedia authoring tool 306 to create, retrieve, or edit audio, video and text information from the local server 307 or remote servers 105. The audio, video and text information is provided to client terminals as part of a multimedia session (col. 2, line 67-col. 3, line 20). Agraharam further discloses members of session audience operating the client terminals 103 and 104 and the session conductor may enter private or public chat rooms, and exchange typed text messages (col. 5, lines 35-39). Necessarily, the text messages are broadcast to the client terminals in order to allow the participant to view the text message. Moreover, broadcasting chat data to client terminal is well known in the art. Examiner recites reference 5,694,163 to support.

In claim 4, Applicant argues Agraharam discloses HTML data is converted to a video signal is not the same as converting interactive applications, component by component, to execute on receivers which have different capabilities.

In response, it is noted the limitation of "converting interactive actions, component by component..." is not recited in claim 4. Claim 4 just recites converting comprising: translating, substituting, selecting, time managing, or adapting for different data transmission mechanisms. Agraharam discloses it may be necessary to convert the HTML to a format that is compatible with the broadcast receiver (col. 4, lines 42-43). Therefore, Agraharam teaches converting comprises adapting for different data transmission mechanism.

In claim 7, Applicant argues Agraharam does not teach target platform comprises an application processor.

In response, Agraharam discloses client terminals 103, 104 can be personal computers, or workstations running under Windows, Unix or other commonly available operation systems. Client terminals 104 can also be other devices such as a DirectTV receiver or a WebTV unit (col. 2, lines 7-20). Clearly, Agraharam teaches target platform comprises an application processor.

In claim 8, Applicant argues Agraharam describes determining whether the terminal has data processing capabilities or not. This is much less sophisticated than determining what the application processor is capable of in terms of memory, graphics, sound, etc. and converting it accordingly.

In response, it is noted the claims simply recites interrogating the application processor to determine the data capabilities of the application processor. Therefore, it is read on the determining whether the terminal has data processing capabilities or not as described by Agraharam.

In claims 15-17, 20-22, Applicant argues there is no indication in Lappington that there is an attempt to synchronize broadcast data at each processor. Lappington does not teach synchronization to an independent network synchronized signal.

In response, it is noted the limitation of synchronization to an independent network synchronized signal is not recited in the claims. Claim 15 recites converting step compensates for timing differences between the broadcast networks in handling the broadcast data so as to temporally synchronize the broadcast data at each application processor. Lappington discloses an embedded time stamp within the interactive data. The time stamp would be generated by a data insertion system based on a real time clock (col. 6, line 32+). Apparently, converting step compensates for timing differences between the broadcast networks in handling the broadcast data so as to temporally synchronize the broadcast data at each application processor.

Furthermore, examiner cites these Patent No(s) 6,421,706; 6,611,358; 6,208,665; 5,619,250; 5,946,487; 4,872,073 and EP 0908821 as additional information to support the argument.

For reasons given above, the combination of the reference is proper. Therefore, the rejections are maintained as in previous Office Action